

TOWN OF LAMOINE

Minutes of Planning Board Meeting

**October 1, 2013
Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Gallagher, Donaldson, Tadema-Wielandt

Code Enforcement Officer

Present: M. Jordan

Members of the Public: L. Libby, Conservation Commission

Members of the Press: None

1. Chair Holt called the meeting to order at 7:03 p.m.

2. [Consideration of Minutes](#)

Gallagher (Tadema-Wielandt) moved to accept the minutes as printed.

Approved 5-0.

3. [Code Enforcement Officer's Report](#)

a. [Permits Issued](#) – Report accepted

b. [Enforcement Actions](#) – Report accepted

4. [Conservation Commission](#)

Larry Libby updated the Board on the grant application the Commission is working on to build a parking area and perhaps a toilet facility at the foot of the trail on the Simon property. The Board suggested he consult with the Code Enforcement Officer regarding the permissibility of these uses. If they are permissible, the Board can write a letter of support.

He informed the Board that the Conservation Commission urges Lamoine's joining the Hancock County Planning Commission (see letter). Tadema-Wielandt will research the services and fees that this would entail and report back.

5. Old Business

a. Completeness Reviews – Gravel Permit Applications from:

i. Harold MacQuinn, Inc. (6 pits)

ii. John W. Goodwin Jr. (2 pits)

iii. R.F. Jordan (1 pit)

No further information has been submitted by the three applicants following the September 17, 2013 full review. (See discussion at the end of the meeting.)

b. Gravel Ordinance revisions

Two revisions have been recommended to the Board of Selectmen, dealing with Appeals and Setbacks (see 9/17/13 minutes)

Holt circulated new language for Section 8 Performance Standards (D Restoration). S. Marckoon has submitted his thoughts (handout at the meeting) and the draft language has been sent to the Town Attorney. Given that we have not had the chance to digest Stu's comments and have not heard from the Town Attorney, the Board will take this matter up at its next meeting.

c. Amendments to the Building and Land Use Ordinance vis a vis MUBEC

A discussion on this matter covered a wide range of reactions to the draft amendments submitted by S. Marckoon and M. Jordan and the comments submitted by G. Donaldson. There was some consensus that the Town should make minimal adjustments to the ordinance targeted at informing citizens and developers that MUBEC standards apply but that the Town cannot and will not enforce them.

The following suggestions were made:

- i. M. Jordan want to drop "and heating" from Section 6F
- ii. Section 7C1 (Inspection): delete all text after the word "ordinance" in the first sentence (p. 16)
- iii. Section 3A: include only the first sentence (p. 4)
- iv. Section 6 A: Drop A, B, and C as recommended
- v. Do not drop "Building" from the title of the ordinance and where it appears within the ordinance
- vi. Change Building Inspector to CEO as recommended
- vii. Drop definition of "lot" on p. 63 as recommended
- viii. Add a definition of "construction". See Gordon's suggestion. Mike to see if there is one in MUBEC.
- ix. Adopt Gordon's suggested clarification of Section 13B(8)

6. New Business

a. Contingency plans in the event that the gravel permit applications noted above (Old Business part a.) have not resulted in a valid permit on the date of expiration of the current permits (October 31, 2013).

Holt reported on the September 24 meeting of the Select Board and the attorney for the four gravel operators who are suing the Town over the Lamoine Gravel Ordinance adopted March 13, 2013. The operators' attorney raised six complaints about the ordinance (two of which are formal complaints in the suit). He also offered to present a revised gravel ordinance to the Select Board. They indicated that any such document would be forwarded to the Planning Board for review.

Holt clarified the fact that the basis for the ordinance's requirement of one test well for each 5 acres of pit can be found in the gravel regulations of the State of Maine. These state that a test well to establish groundwater level be installed for each 5 acres of "unreclaimed land".

Discussion ensued regarding the possibility that new permits may not be issued by the expiration of the current permits for the 9 pits currently under review. It was the sense of the Board that it could not ignore the

requirements of the current ordinance and, further, that it is not within the Board's jurisdiction to enforce the ordinance in the case where an operator continues to extract gravel without a permit. Board members expressed some willingness to accept plans to accomplish required tasks if those required tasks cannot be completed by October 31.

Holt reminded the Board that he had informed all gravel owners and operators in Lamoine of the adoption of the new ordinance soon after Town Meeting March 13, 2013, pointing out the new requirements that would need to be addressed in the coming application cycle.

The Board rescheduled its October 15 meeting to October 22 in order to accommodate the schedule of Board members and provide more time for application submission. The Board also directed Chair Holt to inform S. Salsbury, agent for the three operators, that information found missing from the 9 applications at the September 17 meeting will need to be provided by October 8, two weeks prior to the October 22 meeting.

If no new information is received, the next Planning Board meeting will be November 12, 2013.

7. Other Public Matters

8. Ordinance Matters

9. Next Meetings:

October 22, 2013 if information has been received by October 8 relating to the 9 gravel permit applications currently before the Board.

November 12, 2013

December 3, 2013

10. Adjourned at 8:34 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary